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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re I. C., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

I. C.,

Defendant and Appellant.

A156078

(Solano County
Super. Ct. No. J44146)

I. C. (Minor) appeals a dispositional order¹ adjudging him a ward of the court and placing him at home in the care of his parents. His counsel has filed an opening brief raising no issues and asking this court for an independent review of the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Minor has been informed of his right to personally file a supplemental brief, but he has not done so.

¹ The notice states the appeal is from the November 8, 2018 jurisdictional order. However, it is the December 20, 2018 dispositional order, not the jurisdictional order, that is the appealable judgment. (*In re Kenneth J.* (2008) 158 Cal.App.4th 973, 978, fn. 5.) In a similar situation, our colleagues in Division Two of the First Appellate District construed a notice as perfecting an appeal from the subsequent dispositional order. (*Ibid.*) We shall do likewise.

The Solano County District Attorney filed a juvenile wardship petition (Welf. & Inst. Code, § 602)² alleging Minor committed misdemeanor battery. (Pen. Code, § 242.)

A contested jurisdictional hearing took place on November 8, 2018. Minor's mother (Mother) testified that on the morning of April 12, 2018, she called the police because Minor was aggressive and out of control. She had gone to his room to get him up for school, and they began yelling at each other. Minor hit the closet, then shoved Mother, pushing her back with his hands on her chest. At some point, Mother hit Minor with a bamboo stick, and she pushed him as well.

The juvenile court concluded Mother had been lawfully disciplining Minor and that his action in pushing her was unlawful. The court therefore sustained the allegation that he committed battery, and set the matter for a dispositional hearing.

At the December 10, 2018 dispositional hearing, Minor's counsel told the juvenile court that Minor's behavior had improved recently, he was working, and he was doing better in school. The probation officer's report confirmed that Minor's performance at school and his behavior at home had improved dramatically. Minor's counsel asked the court to place Minor on informal supervision under section 725 rather than declaring him a ward of the court, explaining that a wardship finding might make it more difficult for Minor to join the military later because he would be prohibited from carrying a firearm. The hearing was continued to allow counsel to research whether a period of wardship followed by dismissal under section 782 would affect Minor's military eligibility. At the continued hearing, Minor's counsel told the court that a dismissal under section 782 "would be for all purposes."

The juvenile court adjudged Minor a ward of the court and imposed six months probation in the care of his parents. The court indicated that it would consider dismissal of the charge at the end of six months if Minor continued to do well.

There are no meritorious issues to be argued.

² All undesignated statutory references are to the Welfare and Institutions Code.

DISPOSITION

The judgment is affirmed.

TUCHER, J.

WE CONCUR:

POLLAK, P. J.

STREETER, J.

In re I.C. (A156078)